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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,364	09/20/2000	Hideo Suzuki	39303.20197.00	8624

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EXAMINER

ZHOU, TING

ART UNIT PAPER NUMBER

2173

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,364

Applicant(s)

SUZUKI ET AL.

Examiner

Ting Zhou

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 14, 20, 26-30 and 33-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 14, 20, 26-30 and 33-35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 6 September 2005 under 37 CFR 1.53(d) based on parent Application No. 09/666,364 is acceptable and a RCE has been established. An action on the RCE follows.

2. The amendments filed on 6 September 2005, submitted with the filing of the RCE have been received and entered. Claims 1, 14, 20, 26-30 and 33-35 as amended are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 14, 20, 26-30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohomori U.S. Patent 6,477,315 and Weinstock et al. U.S. Patent 6,166,314 (hereinafter "Weinstock").

Referring to claims 1, 14 and 20, Ohomori teaches a method, apparatus and machine-readable media comprising controlling the computer system to display a plurality of layers on a screen of the display, wherein each of the plurality of layers corresponds to a different performance editing function (reference character 35 in Figures 7-8 shows the display of a list of

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different editing layers, or tracks for editing video content) (Ohomori: column 8, line 61-column 9, line 12); in response to a user instruction, attaching an execution icon at a prescribed position onto one of the plurality of layers that is displayed on the screen of the display, the execution icon corresponding to execution-related data, wherein the execution-related data of the attached execution icon is related to the editing function of the layer to which the execution icon is attached (users can drag and drop icons 63A-63Y shown in Figure 9 onto portions of a track, or layer in the list of layers) (Ohomori: column 9, line 44-column 10, line 33), and wherein the step of attaching the execution icon causes the corresponding execution-related data to be incorporated into the performance data being edited (executing the video special-effect processing corresponding to the selected icon at the junction in the track, or layer where the icon was placed) (Ohomori: column 9, line 44-column 10, line 33). However, although the system of Ohomori is directed to the editing of multimedia performance data such as video data, Ohomori fails to explicitly teach the system being directed to the editing of musical performances.

Weinstock teaches an interface for editing multimedia content similar to that of Ohomori. In addition, Weinstock further teaches an interface for editing musical performances (Weinstock: column 15, line 6-column 18, line 44), providing a display instruction for controlling the display setting of at least one of a plurality of layers, the display setting being one of display mode and non-display mode and in response to the display instruction, controlling the computer system to place at least one of the layers in a display mode or a non-display mode (Fig. 9, which shows a Views menu in which the user may select which categories, i.e. layers, are displayed; the categories with a check beside them are displayed, while the ones that are unchecked are in a non-display mode) (Weinstock: column 24, lines 27-49). It would have been obvious to one of

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ordinary skill in the art, having the teachings of Ohomori and Weinstock before him at the time the invention was made, to modify the interface for editing multimedia content using the attachment of icons to layers taught by Ohomori to include the editing of a musical performance taught by Weinstock. One would have been motivated to make such a combination in order to provide an automated system for allowing users to track musical scores and performances; this combination also provides the advantage of allowing the user to correlate performance data with selected views of information that reduce screen clutter and optimize the view according to the user's needs and preferences.

Referring to claim 26, Ohomori, as modified, teach wherein the prescribed position in the at least one layer, to which the execution icon is attached, is determined in correspondence with progression of the performance data (the icon is placed onto a track, or progression of video content) (Ohomori: column 9, line 44-column 10, line 33; Weinstock: column 22, lines 54-67).

Referring to claim 27, Ohomori, as modified, teach wherein each layer is displayed as an execution icon layer in correspondence with the execution-related data (as shown in Figure 8 of Ohomori, the layers, or tracks shown in the editing list of tracks has special-effects processing icons attached to them).

Referring to claim 28, Ohomori, as modified, teach wherein the execution icon layer contains at least one of a tempo icon layer, a dynamics icon layer, a joint icon layer, a modulation icon layer, an accent icon layer, an attack icon layer, and a release icon layer (Weinstock shows one of the execution icon layers contains a tempo icon layer) (Weinstock: Fig. 6, 606 and 610).

Referring to claim 29, Ohomori, as modified, teach controlling the computer system to display a name of at least one of the plurality of layers (for example, the names of the layers, or tracks shown in Figure 8 of Ohomori are displayed, such as “V1, “S2”, etc.).

Referring to claim 30, Ohomori, as modified, teach controlling the computer system to further display an operator for controlling at least one of the plurality of layers displayed on the screen of the display (using a mouse to control a displayed cursor on the screen) (Ohomori: column 8, line 61-column 9, line 65).

Referring to claim 33, Ohomori, as modified, teach editing the execution icon attached onto one of the plurality of layers and editing the performance data corresponding to the execution icon that is edited (the special-effect processing icons can be edited, i.e. moved by the user via a drag and drop operation; editing the video clip data according to the dropped location of the icon) (Ohomori: column 9, line 57-column 10, line 32).

Referring to claim 34, Ohomori, as modified, teach wherein a musical score is displayed on the screen of the display so that the plurality of layers are displayed in relation to the musical score (a musical score is displayed on the screen of the display of Weinstock so that the plurality of layers are displayed in relation to the musical score; i.e. rendering the accompanying score in one of the layers) (Weinstock: column 19, lines 64-67).

Referring to claim 35, Ohomori, as modified, teach in response to the user instruction, selecting or editing the execution icon attached to the layer and visually displaying a prescribed range of execution-related data corresponding to the execution icon that is selected or edited on the musical score (users can select icons to be moved and visually display the range of the icons on the layers, such as represented by 63A(63-B~63Y) in Figure 8 of Ohomori).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 14, 20, 26-30 and 33-35 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ


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PRIMARY EXAMINER